

Message Text

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ACTION EA-10

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TO SECSTATE WASHDC 0292

C O N F I D E N T I A L SEOUL 3752

STADIS//////////

EO 11652: GDS

TAGS: PINS, PINT, KS

SUBJECT: CURRENT TRIALS IN KOREA

REF: STATE 11999 SEOUL 3342 SEOUL A-104

1. SECOND HEARING OF LAWYER HAN SUNG-HO TOOK PLACE DISTRICT COURT MAY 22, IN WHICH HE DEFENDED HIS ESSAY EXPRESSING REGRET THAT DEATH SENTENCE OF FORMER DRP NATIONAL ASSEMBLY MEMBER KIM KYU-NAM FOR ESPIONAGE HAD BEEN CARRIED OUT IN 1971. HAN CLAIMED THAT PURPOSE OF ESSAY NOT TO DEFEND KIMS'S ACTION BUT TO OPPOSE DEATH SENTENCES ON GENERAL HUMANITARIAN GROUND AND THAT PASSAGE ON WHICH CHARGE OF VIOLATING ANTI-COMMUNIST ACT IS BASED IS QUOTED OUT OF CONTEXT AND DOES NOT SIGNIFY SYMPATHY WITH OR ENDORSEMENT OF COMMUNISM. HE FURTHER ARGUED THAT RIGHT TO OPPOSE DEATH SENTENCE IS CONSTITUTIONALLY GUARANTEED AS RIGHT OF ANY CITIZEN OF FREE AND DEMOCRATIC SOCIETY. SIXTY ONE LAWYERS ATTENDED HEARING AS WELL AS CHURCH LEADERS AND INTELLECTUALS PROMINENTLY ASSOCIATED WITH OPPOSITION. NEXT TRIAL SESSION IS SET FOR JUNE5.

2. TRIAL OF REVS. KIM KWAN-SOK, PARK HYONG-KYU, CHO SEUNG-HYUK, AND KWON HO-KYUNG ORIGINALLY SET FOR MAY 30 HAS BEEN POSTPONED TO JUNE 10, APPARENTLY TO AVOID ATTENDANCE OF WCC DELEGATION ARRIVING ON
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JUNE 30 TO LOOK INTO CASE. ACTING NCCC-K SECRETARY

GENERAL YI YONG-MIN TOLD EMBOFF THAT POSTPONEMENT WAS AT INSTANCE OF KCIA AND THAT DESPITE PERSONAL ADMISSION OF PROSECUTOR THAT CRIMINAL CHARGES OF EMBEZZLEMENT MAKE WEAK CASE, KCIA WANTS TRIAL. THUS MATTER OUT OF PROSECUTOR'S HANDS.

3. CHARGES SPECIFY THAT GERMAN BREAD FOR WORLD DONATION OF 19.4 MILLION WON HAD BEEN EARMARKED FOR HOUSING PROJECT, CREDIT UNION, GARBAGE DISPOSAL IN SLUM AREAS, AND CLINIC, OF WHICH W 8.9 MILLION WERE DIVERTED FOR HELPING VARIOUY PASTORS AND OTHERS WHILE ON TRIAL AND IMPRISONED FOR VIOLATING EMERGENCY MEASURES DURING 1974, ARRANGING SEMINARS, AND AIDING URBAN INDUSTRIAL MISSION ACTIVITIES. INDICTMENT CHARGES THAT DIVERSION OF FUNDS, EVEN IF NOT FOR PERSONAL USE, IS FORM OF EMBEZZLEMENT AND THUS CRIMINAL OFFENSE. NCCC-K LEADERS CONVINCED THAT DEFENDANTS WILL BE CONVICTED, SINCE FUNDS IN EYES OF ROKG WERE USED FOR PATENTLY POLITICAL PURPOSES.

4. REV. YI FURTHER STATED THAT WCC DELEGATION ALMOST CERTAINLY WILL NOT BE ABLE TO MEET EITHER PRESIDENT OR PRIME MINISTER AND NCCC-K IS ALSO ENCOUNTERING DIFFICULTIES ARRANGING MEETING WITH MINISTER OF CULTURE AND INFORMATION WHO RESPONSIBLE FOR CHURCH MATTERS.

5. REGARDING KIM CHI-HA TRIAL, NEWSPAPERS REPORT THAT ON MAY 27 DISTRICT CRIMINAL COURT REJECTED POET'S APPEAL FOR CHANGE OF TRIAL JUDGE ON GROUND THAT JUDGE KWON CHUNG-GUN HAD PRESIDED OVER PRP TRIALS AND INVESTIGATION, WHOSE CASE IS ALSO INVOLVED IN KIM'S INDICTMENT, AND THAT DEFENDANT THUS ENTITLED TO DIFFERENT JUDGE. COURT ARGUED THAT CRIMINAL PROCEDURES LAW APPLIES ONLY TO REGULAR COURTS AND NOT COURTS MARTIAL.

6. EMBASSY WILL REPORT ON TRIAL WHEN SESSION RESUMES BUT BELIEVES THAT ATTENDANCE OF EMBOFF AT ANY SESSIONS WOULD BE UNPRECEDENTED AND SERVE NO USEFUL PURPOSE.
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ROKG ALREADY AWARE OF U.S. INTEREST IN CASE, WHILE INFORMATION ON COURSE OF OPEN HEARINGS WILL BE AVAILABLE THROUGH PRESS AND OTHER SOURCES. (SEE REFTEL 3342 AND A-104).
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